

**CLERK'S SUMMARY AND OFFICIAL MINUTES
BAKER ACT /INVOLUNTARY OUTPATIENT PLACEMENT
SUBCOMMITTEE MEETING
JANUARY 13, 2006**

The Baker Act/Involuntary Outpatient Placement (IOP) Subcommittee of the Mayor's Mental Health Task Force (MMHTF) met at the Rhode State Building, 401 NW 2nd Avenue, N-423, Miami, Florida 33128 at 10:23 a.m. on January 13, 2006, there being present Co-Chair Silvia Quintana, Substance Abuse & Mental Health Program Supervisor, District 11 – Florida Department of Children and Families and Co-Chair Honorable Maria Korvick, Administrative Judge of the Probate Division, 11th Judicial Circuit of Florida; (Co-Chair Representative Rene Garcia was absent); and members Honorable Lewis Kimler, 11th Judicial Circuit; Ms. Deborah Dummitt, Adult Mental Health Manager, Department of Children and Families (DCF); Ms. Jennifer Holtz, Licensed Mental Health Supervisor, Substance Abuse and Mental Health Program; Ms. Cindy Schwartz, Jail Diversion Program, 11th Judicial Circuit Court; Mr. Tim Coffey, Assistant Mental Health Project Coordinator, 11th Judicial Circuit Criminal Mental Health Project; Mr. Joseph George, Jr., Substance Abuse and Mental Health Corporation Florida; Ms. Jacqueline **Mckeown**, Cedars Medical Center; Ms. Hilda Rodriguez, Mercy Hospital; Mr. Bernie Breiter, Mercy Hospital; Ms. Marta Alamo, representing Westchester/Southern Winds Health Network; Mr. Jose Cid, Miami Behavioral; Ms. Rachel Diaz, Families of Untreated Mentally Ill Persons; Ms. Carmen Cantero, Citrus Health Network; Ms. Donna Johnson, Citrus Health Network; Mr. Mario Jardon, Citrus Health Network; Ms. Barbara Verk-Shore, Aventura Hospital; Mr. Kale Baker, Bayview Center; Mr. Jeremy Johnson, South Florida Hospital and Health Care Association; Ms. Teresa Thompson, South Florida Providers Coalition; Mr. Roland Berthold, Department of Children and Families; Ms. Portia Newbold, New Horizons Community Mental Health Center; Ms. Pat Cawley, Camillus House; Ms. Lilia Bandrich, DCF; Ms. Yamile Diaz, DCF; Ms. Judith Robinson, NAMI; Assistant Public Defender Hugh Keough; Assistant Public Defender Rebecca Coury, **Ms. ??? Bentacourt, (organization ??)**; Mr. Tom Mullen, Passageway; Ms. Claudine Richard, CHI; Anders Madsen, Esq., Probate Division of the Courts; Ms. Valda Clark Christian, Miami-Dade County Attorney's Office and Deputy Clerk Judy Marsh.

Also present were Mr. Nelson Diaz, Clerk of the Board's Office and Mr. John Kowal, Mental Health Advocate.

The following staff members from the Office of the Mayor were present: Elinette Garcia-Navarro, J.D., Mayor's Assistant, Public Affairs and Ms. Maria Robau, Project Manager, Mayor's Mental Health Task Force.

1. Welcome and Introductions

Ms. Deborah Dummitt, Adult Mental Health Manager, Department of Children and Families (DCF) called the Baker Act/Involuntary Outpatient Placement (IOP) Subcommittee meeting to order at 10:33 a.m. She noted this meeting consisted of members of the Mayor's Mental Health Task Force (MMHTF) Baker Act Subcommittee and contracted providers.

The Subcommittee members and other participants at today's meeting introduced themselves.

Ms. Dummitt said she was representing Co-Chair Silvia Quintana, who would be arriving momentarily.

2. Review Minutes for December 9, 2005 Workgroup Meeting

Mr. Bernie Breiter, Mercy Hospital, noted his name was omitted from the minutes of the December 9, 2005 Subcommittee meeting.

The Subcommittee by motion duly made, seconded and carried, approved the minutes of the December 9, 2005 meeting, as amended.

3. Reports & Written Recommendations from Subcommittees:

Ms. Dummitt said representatives of the Involuntary Outpatient Placement (IOP) Workgroups would present their recommendations regarding implementation of the IOP legislation. She noted a determination would be made regarding legal issues relating to the IOP as Ms. Diana Salinas and Ms. Lourdes Roberts were not present at today's meeting.

- **Diana Salinas – Inclusion of Liability in the Legal Issues Group Recommendations**

Not presented

- **Lourdes Roberts – Legal Review of Criteria/Target Group Recommendations**

Not presented

- **Tim Coffey – Finance Group Recommendations Regarding Budget Issues**

Mr. Tim Coffey, Assistant Mental Health Project Coordinator, 11th Judicial Circuit Criminal Mental Health Project, discussed the Finance Group's recommendations

regarding budget issues related to implementation of the Involuntary Outpatient Placement (IOP) legislation. He said the Group was reviewing the number of IOP petitions that would be received annually, the cost of providing services to individuals with mental illnesses and other indicators in an effort to determine the impact of implementing the IOP legislation. Mr. Coffey noted he received input from various agencies including Miami-Dade Corrections and Rehabilitation Department, the Public Defender's Office, Florida Mental Health Institute and academic organizations nationwide regarding this legislation. The numbers regarding compliance rates and intensity of services were still being compiled, Mr. Coffey said, and he would continue discussions with other agencies within the community. He requested the Subcommittee's input regarding this issue.

Responding to Judge Korvick, Mr. Coffey said he had not contacted the State of New York; however, he had contacted Dr. Marvin Schwartz, regarding the Duke Mental Health Study.

Judge Korvick asked that models/studies relating to funding for implementation of the IOP legislation be explored.

Mr. Coffey said yesterday (1/12) he addressed the issue of IOP funding with members of the Mayor's Mental Health Task Force Mental Health Care Finance, Sustainability & Policy Subcommittee, and they would be consulting with this Subcommittee regarding recommendations that were made. He noted Mr. Mario Jardon, Citrus Health Network, would provide the Finance Group with services for the IOP population and the Group would determine the cost for providing those services under that model. He noted a complete report would be presented at the next Subcommittee meeting.

Ms. Dummitt requested that Mr. Coffey provide a written report by the next Subcommittee meeting.

Responding to Judge Korvick's comments, Mr. Mario Jardon, Citrus Health Network, said a low-demand approach within a larger recovery model was being recommended for the IOP consumers. Referring to housing for targeted consumers, Mr. Jardon said he and Mr. Coffey discussed the possibility of providing an initial shelter for these consumers by purchasing beds in Assisted Living Facilities of the consumer's choice. He noted a budget for this initiative could be developed with input from the various affected parties, including the Public Defender's Office and the Courts.

Ms. Deborah Dummitt, Adult Mental Health Manager, Department of Children and Families, said an e-mail would be sent to the mental health providers requesting that they provide the number of projected IOP consumers. She suggested Mr. Jardon determine the cost of implementing the recovery model approach for his agency and provide this information to the Subcommittee.

Mr. Bernie Breiter, Mercy Hospital, said many of the expenses associated with the recovery model related to providing basic needs in an attempt to engage consumers to receive treatment. He noted from a clinical standpoint, implementation of the IOP would require a substantial amount of funds.

It was moved by Mr. Coffey that the Courts' statistics be disseminated to the Subcommittee members. This motion was seconded by Mr. Jardon, and upon being put to a vote, passed unanimously by those members present.

Ms. Dummitt asked that the Courts' statistics be forwarded to Ms. Jennifer Holtz who would disseminate the information to the Subcommittee members via e-mail.

It was moved by Mr. Jardon that the providers, in conjunction with the Department of Children and Families, the Homeless Trust, Salvation Army, Miami Rescue Mission and Camillus House, develop a budget for the services to be provided to the IOP population in Miami-Dade County; and that this budget be presented at the next meeting.

Judge Korvick requested the motion be amended to address an increase in services and the cost of providing services for the targeted population and enforcement of the statute.

Discussion ensued on the foregoing motion.

Ms. Cindy Schwartz, Chair, Criteria/Target Workgroup, said the Workgroup was recommending that IOP treatment be utilized for individuals who were frequently hospitalized and incarcerated. She noted the Workgroup also looked at who was being assisted through Kendra's Law, New York's IOP legislation. Ms. Schwartz said the entire continuum of care was utilized for individuals currently in the Jail Diversion Program. She noted the Subcommittee needed to identify/target the individuals who could be assisted and request appropriate funding to provide this assistance.

Ms. Judith Robinson, National Alliance for the Mentally Ill (NAMI), expressed concern regarding the Subcommittee's discussion. She noted there was no housing for the IOP population because they were in Assisted Living Facilities (ALFs). Ms. Robinson said the Subcommittee needed to be discussing patient care and addressing each client's needs through a tiered system, noting some clients needed to be hospitalized and there were no available beds. She emphasized the need for funds in order to implement the IOP legislation.

Ms. Dummitt concurred with Ms. Robinson's comments and thanked her for her continued efforts in the Adult Mental Health Subcommittee to obtain additional resources for the Department of Children and Families.

Ms. Dummitt acknowledged the presence of Co-Chair Silvia Quintana.

Co-Chair Silvia Quintana, Substance Abuse and Mental Health Program Supervisor, District 11, Florida Department of Children and Families, said an effort was being made to include a request for additional beds in next year's budget.

Ms. Schwartz said the Adult Mental Health Subcommittee had repeatedly recommended to the Planning Council for the Department of Children and Families, the need for additional treatment beds and co-occurring beds. She clarified that her earlier comment was not meant to reflect that there were enough beds.

In response to Judge Korvick's inquiry whether a motion was on the table for additional beds, Ms. Rachel Diaz, Families of Untreated Mentally Ill Persons, suggested a motion be made to provide more treatment for individuals with mental illnesses.

Judge Korvick said the Subcommittee members and providers were trying to develop a report detailing line items and providing costs for beds and treatment.

Ms. Dummitt requested that the providers prepare a list of potential IOP consumers who they felt could be served by their agencies and the estimated cost for providing these services, and the projected recovery services and cost for this targeted population.

Mr. Jardon requested that Ms. Dummitt's comments be included in his motion.

Ms. Robinson suggested that the strategic plan reports previously submitted by the providers to the Department of Children and Families be also included in the report to be developed.

- **Diana Salinas (consulting with Citrus Health Network & JMH) – Suggestion for Guardian Advocate Training Manual Inclusion of De-Escalation, Other Skills Training Related to Safety and Universal Precautions**

Not Presented

- **Mario Jardon – Language Regarding Recommending that the IOP Law Incorporate a Recovery Model Approach. Language may not Include Data Support**

Mr. Mario Jardon, Citrus Health Network, said he would prepare a recovery model approach for inclusion within the Involuntary Outpatient Placement (IOP) legislation. He suggested the Subcommittee present the recovery model approach to the Legislature as a demonstration model.

It was moved by Mr. Bernie Breiter that the providers meet with the parties involved with the IOP legislation, including the Public Defender's Office and the Courts, to determine

their cost of implementing this legislation and to discuss these costs at a future Subcommittee meeting.

Judge Korvick said the Courts already provided their costs.

Co-Chairwoman Quintana asked that the Subcommittee be notified of the next meeting of the providers.

Judge Korvick requested that the providers' budget include line items for case managers and treatment. She also requested that the Public Defender provide their projected costs for the next meeting.

Mr. Tim Coffey reminded the Subcommittee members that the financing issues were also being addressed by the Mayor's Mental Health Task Force Finance Subcommittee.

Following further discussion, the Subcommittee by motion duly made, seconded and carried, voted to request that the providers, along with the Public Defender's Office and the State Attorney's Office, provide their projected cost recommendations for implementing the IOP legislation, to Ms. Jennifer Holtz for review by the Subcommittee.

Judge Korvick concurred with Mr. Jardon's suggestion to begin discussions regarding a demonstration model that could be presented to the Legislature. She noted this could be discussed at the next Subcommittee meeting.

Ms. Dummitt requested that all future reports/recommendations be provided in writing.

4. Review and Discuss Alachua County's IOP Implementation – see handout

Ms. Dummitt requested the Subcommittee members review the Alachua County's IOP implementation and provide comments at the next meeting.

5. Review and Discuss Joseph P. George, Jr's Suggested IOP Law Amendments - see handout

Mr. Joseph George, Jr., Substance Abuse and Mental Health Corporation Florida, discussed proposed amendments to designate guardian advocates as health care surrogates. He noted the proposed language was taken from chapter 765, Florida Statutes, known as Advanced Directives.

Mr. Bernie Breiter, Mercy Hospital, suggested language be included in the proposed amendments to address potential negligence of guardian advocates.

Mr. George concurred with Mr. Breiter's suggestion.

It was moved by Co-Chairwoman Quintana that the Subcommittee accept the recommended language as presented to the Subcommittee. This motion was seconded by Mr. Jardon.

Judge Korvick advised that as a member of the judiciary, she had to abstain from voting.

Ms. Dummitt suggested the Subcommittee members be given an opportunity to further review the language.

The Subcommittee by motion duly made, seconded and carried, voted to further review the language presented by Mr. George, and upon being put to a vote, passed unanimously by those members present.

Ms. Holtz asked that the Subcommittee members provide her with any potential revisions to the proposed language, via e-mail.

6. Additional Business

Mr. John Kowal suggested the Subcommittee hire a lobbyist to provide assistance with requesting funds from Tallahassee.

7. Next Meeting

Ms. Dummitt said the next Subcommittee meeting would be scheduled for Friday, February 10, 2006 at 1:00 p.m. and e-mail notification would be sent to the workgroup representatives who were not present at today's meeting. She noted an e-mail would also be sent to the mental health providers requesting them to provide the number of projected IOP candidates, estimated service costs and projected recovery services.

Adjournment

There being no further business to come before the Baker Act /Involuntary Outpatient Placement Subcommittee, the meeting was adjourned at 12:07 p.m.